

ULSTER TOWN BOARD WORKSHOP

APRIL 3, 2008 AT 7:00 PM

CALLED TO ORDER BY SUPERVISOR WOERNER, CHAIRMAN

SALUTE TO THE FLAG

ROLL CALL BY CLERK

TOWN COUNCILMAN DAVID BRINK

TOWN COUNCILMAN JOEL B. BRINK

TOWN COUNCILMAN ERIC KITCHEN

TOWN COUNCILMAN ROCCO SECRETO

SUPERVISOR NICKY B. WOERNER

Barbara Wise – Inquired if the town was requiring a bond for the company rebuilding the large pavilion at Robert E. Post Park.

Supervisor Woerner reported that a bond was required and had been requested in the bid package.

William Street read and submitted a letter for the minutes in opposition to the Oxygen Day Spa Project being approved (exhibit #1).

Mark Kuhnel – Expressed concern about the odor that would be produced by the Oxygen Day Spa and inquired if the site plan follows the Town Code for odor emissions.

John Boyd read and submitted a letter for the minutes in opposition to the Oxygen Day Spa Project being approved (exhibit #2).

Erwin Wuttke - Requested that the Oxygen Day Spa not be approved due to the lack of information made available to the public during the last Town Planning Board meeting (exhibit #3).

Brian Lovenguth – Read a letter about a driveway at the Oxygen Day Spa being built too close to the corner as per the town code (exhibit #4).

Peter Burnett – He submitted letters about questions that were raised at prior meetings. He is opposed to the Oxygen Day Spa (exhibit #5).

Supervisor Woerner responded that the Town Planner recommended that the project be approved subject to the storm water plan being approved by the town engineer and town consulting engineer approved the traffic study. This will address the quality of life issues. The only items that can be considered about the project need to be pertaining to the project and not the residents that live on the property. He did inquire if the people in the house on the property receive any entitlements; no one there does, but prior residents did. There are no regulations about boarding houses being located near schools. The Town did pass a boarding house law in response to public concern and if a boarding house is desired, the applicant will need to go through the special permit process to convert the current proposal to a boarding house. There is no way of knowing if people are on probation, as it is not a public record. He may have misstated that the property was two lots, but he knows it is one property. Brinnier and Larios, PC approved the storm water plan. The Town is still waiting to hear about the traffic study.

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Theresa Lovenguth - Expressed concern about the traffic impact that the Oxygen Day Spa would have on the area and to Columbia Street as it is a cul de sac and Van Keuren Highway is the only way out.

Stacey Kuhnel – She read and submitted a letter in opposition to the Oxygen Day Spa (exhibit #6).

Barbara Wise – inquired if the County Planning Board reviewed the plan.

Supervisor Woerner stated that the County Planning Board did review it and that no suggestions were made and no items were to be overruled.

Donald Wise – Requested that the Town Board consider the Town Master Plan when they consider the Oxygen Day Spa project vote as he believes it's non-conforming.

Brett Kroft – Is the comprehensive plan a law to follow? He is in favor of the Greenway.

Supervisor Woerner stated the comprehensive plan is a guideline to be integrated into Town law. It is going to cost money to do and that is why he requested the Greenway to be on the agenda.

Ed Fox – There is a Chambers Housing Phase II Project that has yet to be built and its traffic and environmental issues need to be taken into consideration when reviewing the Oxygen Day Spa. He is against the project due to the additional traffic.

Mark Kuhnel – Inquired if the traffic studies had to be certified and what the requirements were for reviewing a traffic study. He pointed out that the traffic study stated that the Chambers School uses the main entrance off of Morton Blvd. to drop children off, but the school only allows children to be dropped off at the Van Keuren Highway entrance. He further pointed out that the study was taken during an off season cycle when the traffic was not at its peak when many of the extra-curricular children's activities and clubs are not in session (exhibit #7 was received).

Mr. Dennis Doyle, the Ulster County Planner, explained that traffic studies are performed by traffic study engineering firms. There are several licenses held by these firms and people need a degree in this field. Tim Miller Associates, Inc, the firm that performed the Oxygen Day Spa study, is a reputable firm. They have done studies throughout the county. The studies use models, consisting of a series of formulas that offer a projection of use and a measure called a level of service while taking into consideration a land use, number of employees and size of facilities. There are a lot of complex factors in addition to that, such as width of roads, their angles, traffic turns and those items are entered into a complex computer software program to generate those models. These factors determine if there needs to be any traffic mitigation.

Brian Lovenguth expressed concern about school children being disbursed near the Oxygen Day Spa and feels that there is a danger there with the traffic as cars are passing and cutting the buses off. He is not in favor of adding more traffic to the area.

Theresa Lovenguth inquired when the traffic studies will be performed.

Supervisor Woerner stated the studies have been performed and are under review. They are available for review.

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A lady from the audience requested that a study be performed during the summer when the area is fully active.

Mr. Dennis Doyle, the Ulster County Planner, gave an overview of the Oxygen Day Spa traffic study to answer questions from the audience. Supervisor Woerner stated that the traffic study was not signed by any person. There are no stamps or certifications on the traffic study.

Sharon Wuttke - She feels that the numbers in the Oxygen Day Spa traffic report are inaccurate for the area.

A discussion about the car numbers followed among the audience and the supervisor.

Frank Almquist – Rutgers Rain Garden Project

Mr. Almquist introduced Donna Crawford, Cornell Cooperative Extension representative. She gave an overview of the Rain Garden that is to be installed in front of the Town Hall.

Mrs. Crawford stated that the purpose of the project is to demonstrate how garden technique can be used to reduce and recycle storm water runoff. They received money to establish rain gardens at three locations and the town was picked as one. The garden will use native plants and be maintained by the master gardeners. The plants are native and the plan is designed with the proper plants that can withstand the climate. There is no cost to the town, other than the in kind services performed. The Town Hall will be used as a demonstration garden. People can visit, see how this concept works and install these at their homes. It is anticipated that the gardeners will begin installation the last week in May.

Councilman Secreto requested that, when they install the garden to advise the custodian as to what maintenance will be required of him.

Scott Smith - Wendel Energy Services, Performance Contracting

Mr. Smith, a representative of Wendel Energy Services, has met with the Town Supervisor and reviewed potential energy/cost saving measures that will pay for themselves over time. There are number of items that can be done, such as installing a piece of equipment to capture waste gas in the sewer plant and burning it, rather than just buying gas, as well as replacing old worn water meters as their water count deteriorates as they age. Radio meters can also be installed that require less manpower to collect counts. The town will need to authorize their firm to perform a detailed energy audit. The town may be eligible for a grant to cover 50% of the audit cost provided by NYSERDA.

Supervisor Woerner stated that he will place a RFP for the energy audit at the next town board meeting.

Hudson River Valley Greenway

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Mark Castiglione, a senior planner for the Hudson River Valley Greenway, stated the Greenway's purpose is to advance the idea that Economic Development and Environmental issues can coexist and they focus on five issues; regional planning, public access, natural and cultural resource protection, heritage and culture education and economic development. This allows the Greenway latitude in aiding local communities. It is voluntary to join the Greenway and the Town can opt out. In joining, economic incentives (grants \$5-10 K) are given to advance these principles as the community follows through on its land-use planning processes. The Greenway is a non regulatory agency and it has no eminent domain powers. There are three levels of participation. The first, by joining, the second is the regional compact plan and finally there is implementation of the plans and their continuance. Again, this is all voluntary.

Dennis Doyle reported that the County is working to establish a countywide Greenway compact. He has met with Town Supervisors for a bottom up approach to work on shaping this compact. Ulster County has completed an open space plan, and is working on its "Ulster Tomorrow", an economic development plan, which has plans of creating a priority housing plan and a transportation plan. He stated that the benefit of the Greenway is to participate in regional planning with other people's money. He supports the Greenway and urges the town to participate. This plan is voluntary and commitment can be withdrawn.

Supervisor Woerner inquired if there was a catch or any strings attached to the Greenway and why other communities are not participating.

Mark Castiglione stated that there are no cons and suggested that the town contact the other communities involved. He believes the reason for the communities not being involved is because of the agency not being able to reach out to them.

Councilman Joel Brink inquired if there are any penalties for withdrawing.

Mark Castiglione was not sure whether there are penalties for withdrawing from the contract. There may be some language in the contracts that addresses that, but it would be an unprecedented situation.

Supervisor Woerner set an informal meeting on April 17, 2008 at 6 PM to have the public ask questions. The Greenway presentation will be placed on the town website.

Robert Post Park Pavilion

Councilman Secreto reported that the contract has been awarded for about \$260,000 for installing a large pavilion at Robert E. Post Park. He stated that a deadline has been put in the contracts in order to have the pavilion ready for the summer and it should be substantially completed by June 13. As an Eagle Scout project, the cooking pavilion will be built.

Supervisor Woerner reported that he is still discussing with the town's insurance company about additional money. The overall cost of the project exceeds the insurance amount because new restrooms will be handicapped accessible. He expects a possibility of an \$80,000 shortfall.

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Town Summer Camp Program

Councilman Secreto reported that Summer Camp will begin June 30, 2008. Last year, 224 children participated in the program. There will be 41 counselors this year and 10 will be sent for EMS training.

Proposed Town of Ulster Football Program

Councilman Secreto reported that he and the Supervisor have met with Coach Greg Maish to establish a town of Ulster Football program. He anticipates 100 children in the program. This will be run on donations.

Supervisor Woerner moved to establish a reserve fund for the Town of Ulster Junior Football League

2nd by Councilman Secreto

All Ayes

Setting a Public Hearing for the Albany Ave Garage

Supervisor Woerner motioned to set a public hearing for the Albany Avenue Garage project for Thursday, April 17, 2008 at 6:30 PM

2nd by Councilman Joel B. Brink

All Ayes

Setting a Public Hearing for the Kingston–Ulster Airport

Supervisor Woerner motioned to set a public hearing for the Kingston- Ulster Airport project for Thursday, April 17, 2008 at 6:45 PM

2nd by Councilman Joel B. Brink

All Ayes

The Town Board recessed at 8:58 PM

The Town Board resumed the meeting at 9:03 PM

Issuance of Site Plan Approval for the Oxygen Day Spa Morton Blvd.

Supervisor Woerner motioned to deny site plan approval for the Oxygen Day Spa on Morton Blvd. based on review of the traffic study, some of the issues raised by the residents about inaccuracies in regard to the traffic flow, specifically in relation to Chambers School, and the project not fitting the quality and character of the neighborhood. There are many concerns about the project's location.

2nd by Councilman Secreto

A Roll Call Vote was taken - All Ayes

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Enter easement with Central Hudson

Councilman Secreto moved to enter into agreement with Central Hudson for an easement for the location of poles at the Robert Post Park

2nd by Councilman Joel B. Brink

All Ayes

Mark Kuhnel thanked the board for their decision on the Oxygen Day Spa.

Barbara Wise inquired when the law changed to allow the Deputy Supervisor to do anything other than run the meeting.

Peter Burnett thanked the Town Board for their decision on the Oxygen Day Spa and offered his assistance, and any information the community gathered, to aid in the defense of the town.

Supervisor Woerner left the meeting at 9:08 PM to retrieve information pertaining to the Deputy Supervisor position.

Richard Metzger inquired when Rider Park will be opened.

Councilman Secreto reported that he is getting the work schedule together and the park should be open April 16.

Brett Kropf thanked Highway Superintendent Frank Petramale for his department's good work (street cleaning) in Eddyville.

Councilman Joel Brink motioned to adjourn the meeting at 9:10 PM

2nd by Councilman Secreto

4 Ayes – Supervisor Woerner was absent

Respectfully Submitted by
Jason Cosenza, RMC FHCO
Ulster Town Clerk



Mr. David Brink,

You, as a member of the Comprehensive Plan Committee, participated in the development of the premise that recognized the criticality of preserving the integrity and character of residential areas from undesirable and incompatible commercial development. This consideration is of particular importance in areas that are in residential/commercial transition zones. As you are well aware, undesired encroachment in residential areas will lead to residential decay and as a result of a domino effect over a period of time as each adjoining vulnerable property succumbs to commercial development pressure.

We applaud your recognition of the need to preserve vulnerable neighborhoods as is referred to in the Comprehensive Plan and hope that you will consistently apply your vision and beliefs regarding the preservation of neighborhoods and vote against the incompatible Oxygen Day Spa. You personally are also experiencing concerns regarding the character issues associated with the CITGO Gas Station across the street from your home and thus you can relate to the issues and concerns that the residents of this neighborhood have regarding the negative impact and detrimental effects that the Oxygen Day Spa will have on our neighborhood. Please be consistent in applying your vision and concerns and vote against allowing construction of the Oxygen Day Spa.

William Street
Exhibit #1

Town Board,

Much has been said about the need for Senior Housing and many initiatives have been ~~expressed~~^{discussed} regarding low income housing but there is a large component of Senior Housing that is being ignored. Many long term residents and stake holders of this neighborhood do not qualify for the quality life amenities afforded by low income housing, but nevertheless they have the same quality of life aspirations and needs that they currently enjoy in their private homes today. However, their ~~property~~^{life} investments and their quality of life styles that they are looking forward to in their retirement years are in great jeopardy because of the incompatible commercial encroachment in our residential community. We have elected Town Officials to protect the best interest of its constituency and stake holders of this community and ask the Town Board not to abandon the trust that the constituency has placed in its Government and ask that it rejects the Oxygen Day Spa application.

The applicant has not been forthright in disclosing the current property use, has been in violation of Town Code regarding its use, and has ignored concerns by the Planning Board and residents regarding the property appearance and maintenance. This applicant has a history of not ~~being trustworthy or a conformist~~^{ing} and certainly will only make a bad situation worse with the approval and construction of the Oxygen Day Spa. **THIS MUST NOT BE ALLOWED TO HAPPEN!**

to the town
norms

John Boyd
Exhibit #2

Mr. Supervisor, at last Thursday's Planning Board meeting the applicant was supposed to address the storm water retention pond, after receiving the information and the site plan foiled on March 28, 2008, there is no retention pond on the site plan which we received through this foil. Also, there is no sidewalks placed as was asked for by the Planning Board. With this information not being available to the public to make a determination on the credibility on the information, this site plan should not be approved tonight even with the contingency that Binere and Larious will approve. The residents in the area should be able to see the entire project before approval is made, it is our right.

Mr. Supervisor, this is also a question for our Town Planner .
Stated in town code 190 -28 section F, a driveway must be at least
100 feet from a corner, on this site plan it does not meet this
criteria.

Brian Lovenguth
Exhibit #4

January 23, 2008

Supervisor Nick Woerner
Councilman Dave Brink
Councilman Joel Brink
Councilman Eric Kitchen
Councilman Rocky Secreto

We the undersigned stake holders in the Van Keuren Highway neighborhood once again express our deeply rooted and broadly based opposition to the proposed Oxygen Day Spa project at the corner of Van Keuren Highway and Morton B'lv'd. This site is the gateway to our neighborhood and has continued to be an eye sore and a blight to our well maintained working class neighborhood. Despite repeated requests by neighbors and the Planning Board to clean up the property, the owner has irresponsibly and arrogantly ignored and snubbed the requests. The owner has also failed to be forthright and devious regarding the current use of the property and has been in deliberate violation of permitted use of the property. The owner has clearly demonstrated by his actions that he has no interest in being compliant with local laws and certainly has no interest in being a good neighbor and certainly cannot be trusted to do what is in the best interest of this community.

More well founded and germane reasons for our objections to this project are best expressed and enumerated in the attached December 20, 2007 memo to Mr. Sorenson which as of this date is still unanswered. Additionally, written questions posed to Mr. Woerner during Town Board meetings are also unanswered as of this date. There are significant issues and concerns regarding this project and we demand answers. Upon your careful review of our position regarding this incompatible project and its character altering effects that it will impart on our residential neighborhood, we urge you to deny approval of this project.

Peter Burnett
Exhibit #5

Petition Against Oxygen Day Spa

To the Town of Ulster Board:

We the undersigned, being qualified residents of the Town of Ulster, vehemently oppose the proposed Oxygen Day Spa. We believe that this project represents a serious incompatible encroachment into an already fragile neighborhood and believe that it is totally out of character with its surroundings. The review process has totally disregarded the qualitative guidelines established by the recently adopted Comprehensive Plan in regards to the sheltering of residential neighborhoods from destructive forces of commercial encroachment. We, as vested stakeholders in our neighborhood, want to retain and preserve the character, tranquility, integrity and the quality of life enjoyed, by right, by all the residents of this community today.

DATE	NAME	ADDRESS
1.	DAN RAFKIND	1083 DECKER ST. KINGSTON, NY.
2. 12/26/07	Tom Kenham	1069 DECKER ST Kingston, NY
3. 12-26-07	Dorlene Dunham	1069 Decker St. Kingston, N.Y.
4. 12/26/07	John Hyl	122 Van Keuren Hwy Kingston, N.Y. 12401
5. 12/26/07	Carry J. Hyl	122 Van Keuren Hwy Kingston, NY 12401
6. 12/27/07	William J. Miggins	40 VAN KEUREN HWY KINGSTON, NY 12401
7. 12/27/07	Margaret M. Miggins	40 Van Keuren Hwy Kingston, N.Y. 12401
8. 12/27/07	Francis S. Whalen	46 Van Keuren Hwy Kingston, NY 12401
9. 12/27/07	Mary Ann Whalen	46 Van Keuren Hwy Kingston, NY 12401
10. 12/27/07	Dorlene Kubler	40 VAN KEUREN HWY. KINGSTON, N.Y. 12401

Each of the individuals whose names are subscribed to this petition sheet, subscribe the same in my presence on the dates above indicated and identified herself/himself to be the individual who signed the sheet.

Date: 12/27/07 Signature of Witness:



Petition Against Oxygen Day Spa

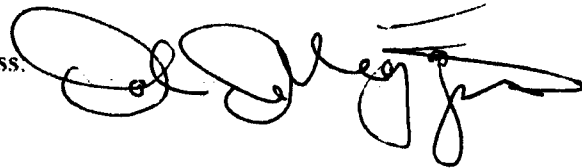
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DATE	NAME	ADDRESS
1. 12/26/07	William F. Miggins Jr.	1036 Stoll Ct, Kingston, NY
2. 12/26/07	John J. Miggins	84 Van Keuren Hwy Kingston
3. 12/26/07	Helen Miggins	1022 Decker St
4. 12/26/07	Randa K Phillips	1026 Decker St
5. 12/26/07	R. S. V.	1034 Decker St
6. 12/26/07	Norothy E. Sutton	1052 Decker St
7. 12/26/07	Edward G. Bailey	1060 Decker St
8. 12/26/07	Joan William	1068 Decker St
9. 12/26/07	STEVE JOHANN	1084 Decker St
10. 12/26/07	Andell S. Johnson	1092 Decker St

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DATE	NAME	ADDRESS
1. 12/24/07	William C. Stutz	1077 Stoll Ct Kingston NY 12401
2. 12/26/07	W. Stutz	1077 Stoll Ct Kingston NY 12401
3. 12/26/07	John F. Boyd	1085 Stoll Ct Kingston NY 12401
4. 12/26/07	Harold F. Smith	1046 Stoll Ct. Kingston NY 12401
5. 12/26/07	Jeanne M. Smith	1046 Stoll Ct Kingston NY 12401
6. 12/26/07	Renee Muggins	1036 Stoll Court Kingston NY 12401
7. 12/26/07	Sharon Nichols	1039 Stoll Ct Kingston NY 12401
8. 12/26/07	Marge Noll	1033 Stoll Ct Kingston NY 12401
9. 12/26/07	W. Stutz	1027 Stoll Ct Kingston NY 12401
10. 12/26/07	Carol K. Smith	1021 Stoll Ct. Kingston, NY 12401

Kingston, NY 12401

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Date: 12/24/07

Signature of Witness:

William C. Stutz

Petition Against Oxygen Day Spa

To the Town of Ulster Board:

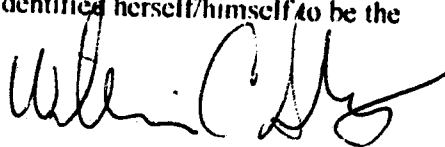
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DATE	NAME	ADDRESS
1. 12/26/07	Karaticia Burnett	1015 Stoll Ct Kingston
2. 12/26/07	TAMARA Hughes	1022 Stoll Ct Kingston, NY
3. 12/24/07	April Longo	1023 Stoll Ct Kingston, N.Y.
4. 12/26/07	Edward McDowell	1022 Stoll Ct Kingston NY
5. 12/26/07	Ullrich	1047 Stoll Ct
6. 12/26/07	Jean Demand	1047 Stoll Ct " "
7. 12/26	Raymond King	1061 Stoll Ct
8. 12/26/07	Michelle Velez	1039 Stoll Court
9. 12/26/07	STEVE NICHOLS	1039 Stoll Ct.
10. 12/27/07	MARK KUBNER Mark Kahl	26 VAN KUREN highway Kingston

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Signature of Witness:



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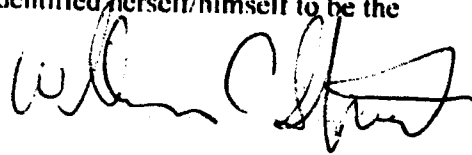
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DATE	NAME	ADDRESS
1. 12-26-07	Karl E. Fetter	1069 Still Ct. Kingston
2. 12-26-07	Terry Fetter	1069 Still Ct Kingston
3. 12/26/07	Pete Burnett	1015 Still Ct Kingston
4.		
5.		
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Signature of Witness:



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DATE	NAME	ADDRESS
1. 12/26/07	Sarah Hausell	1058 Columbia St.
2. 12/26/07	Jeremy Derrison	1058 Columbia St.
3. 12/26/07	Leo Mojica	1062 COLUMBIA ST
4. 12/26/07	Maria Mojica	1062 Columbia ST
5. 12/26/07	Theresa A. Lauerpat	1072 Columbia St
6. 12/26/07	Amler J. Lauerpat	1072 Columbia St.
7. 12/26/07	Brian Lauerpat	1172 Columbia St
8. 12/26/07	Julie Grant	1069 Columbia St.
9. 12/26/07	[Signature]	1069 Columbia St.
10. 12/26/07	Paul A. [Signature]	1068 Columbia St

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Signature of Witness:

Jo Ann Maide

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DATE	NAME	ADDRESS
1. 12/26/07	Steven E Burt	Columbia H.
2. 12/26/07	Patricia Stedje	"
3. 12/26/07	Michelle	Columbia St
4. 12/26/07	Tom W.	"
5. 12/27/07	John Mide	Columbia St
6. 12/27/07		
7.		
8.		
9.		
10		

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Signature of Witness:

John Mide

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DATE	NAME	ADDRESS
1. 1/2/26/07	JOHN NUSS	1046 CODWISE ST.
2. 2/26/07	Bruce DeWitt	1066 Codwise St
3. 2/26/07	Harriet C. DeWitt	1066 Codwise St.
4. 2/26/07	Charles Rogue	1094 Codwise St
5. 2/26/07	Jane Rogue	1094 Codwise St.
6. 12/26/07	Sunny Brown	1095 Codwise St.
7. 12/26/07	Miles Brown	1095 CODWISE ST.
8. 12/26/07	John Adam	1087 Codwise St.
9. 12/26/07	Cynthia D. Dwell	1079 Codwise St.
10. 12/26/07	Ed Dwell	1079 Codwise St.

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Signature of Witness: E.H. DeWitt

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DATE	NAME	ADDRESS
1. 12/26/07	John Waples	1059 Codwise St. TOWN ULSTER
2. 12/26/07	Cherie Waples	LI
3. 12/26/07	Robt Cft	1043 Codwise St
4. 12/26/07	Johnny Wilson	1043 Codwise St
5. 12/26/07	Ally Farrell-Millian	1035 Codwise St.
6. 12/26/07	Tony Barnes	1023 Codwick St.
7. 12/26/07	R. E. K.	1021 Codwise St.
8. 12/26/07	John M. Pfeffer	1009 CODWISE ST KINGSTON N.Y.
9. 12/26/07	Sharon Pfeffer	1009 CODWISE ST KINGSTON N.Y.
10. 12/26/07	Sharon Wuttke	1040 Codwise St. Kingston, NY 12401

Each of the individuals whose names are subscribed to this petition sheet, subscribe the same in my presence on the dates above indicated and identified herself/himself to be the individual who signed the sheet.

Date: 12/26/07

Signature of Witness: E.H. Wuttke

Petition Against Oxygen Day Spa

To the Town of Ulster Board:

We the undersigned, being qualified residents of the Town of Ulster, vehemently oppose the proposed Oxygen Day Spa. We believe that this project represents a serious incompatible encroachment into an already fragile neighborhood and believe that it is totally out of character with its surroundings. The review process has totally disregarded the qualitative guidelines established by the recently adopted Comprehensive Plan in regards to the sheltering of residential neighborhoods from destructive forces of commercial encroachment. We, as vested stakeholders in our neighborhood, want to retain and preserve the character, tranquility, integrity and the quality of life enjoyed, by right, by all the residents of this community today.

DATE	NAME	ADDRESS
1. 12/20/07	E.H. Smith	7060 Codwise St
2. 12/27/07	John D. Kelly	1030 Codwise St
3. 12/27/07	J.H. Fambler	1014 Codwise St
4. 12/27/07	Carol A. Fassbender	1014 Codwise St.
5.		
6.		
7.		
8.		
9.		
10		

Each of the individuals whose names are subscribed to this petition sheet, subscribe the same in my presence on the dates above indicated and identified herself/himself to be the individual who signed the sheet.

Date: 12/29/07

Signature of Witness: E.H. Smith

Peter Burnett

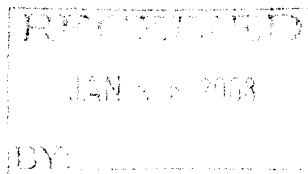
From: Peter Burnett [pburnett@kingstonnissan.net]
Sent: Wednesday, January 23, 2008 9:47 AM
To: 'supervisor@townofulster.org'
Cc: 'Karaticia Burnett'
Subject: FW: Answers to Questions Raised at Town Mettings

Supervisor Woerner,

I left a message with your secretary on Thursday the 17th. I asked her to give you the message that I was looking for the answers to the questions that we raised at previous town meetings in regards to the Oxygen Day Spa. I have recently supplied the remaining unanswered questions to you and the town clerk. It is important that I receive the answers to these questions in order to review your responses before the next town meeting involving the Day Spa. Some of these unanswered questions date back to the middle of November. I feel you are obligated as our town elected official to provide substantial information allowing us the opportunity to make informed decisions about our town. The Oxygen Day Spa issues need to be addressed before it could ever be approved or denied. This is why I feel the right to have complete answers to these questions and time to prepare feedback. I hope you plan to do your part to do whatever is best for our town and it's residents.

Sincerely,

Peter Burnett



QUESTIONS RAISED AT 11/19/07 DAY SPA PUBLIC HEARING **REQUIRING TOWN RESPONSES**

- **What was the outcome of your conversation with the Town Planner regarding the impact of this project on the quality of life and character of the neighborhood? Mr. Woerner suggested he would be speaking to the Town Planner directly after the last meeting.**
- **On what legal basis did you make a determination that you had the right to pick and choose what elements of the public presentations would become part of the hearing record?**
- **Have you made a determination, after speaking to the owner, what the nature of the residency is and why was this facility allowed to operate when specific violations were noted?**
- **Have you re-visited and re-evaluated the increased traffic issues and concerns as were expressed by the residents and what was the outcome?**
- **What is the town attorney's opinion regarding the legality of the connectivity between the group home or half way house and the Day Spa?**
- **What was the outcome of your conversation with Robert Sudlow from the Ulster County Probation Department regarding the two residents of 12 Van Keuren Highway who had recently been removed for violating their probation?**
- **Mr. Woerner, many times in the past few meetings, you have said that the proposed Day Spa and the property it is located on, exists on two parcels. Why do you keep saying that it is two when it is actually only one?
Parcel number 48.50 -1 -7**
- **Has the Town Attorney completed his investigation regarding any legal implications and the status of "boarding houses" within the town, and what were his results?**
- **How can the Town Board move forward with the proposed Day Spa with majority of these questions unanswered? The importance of these issues which were brought out at your last meeting deserves more of a thorough investigation before you proceed. The Day Spa proposal needs to be put on hold as your town demands answers! Mr. Supervisor and Town Board members, all we are asking for is an unbiased decision so as not to affect our neighborhood and our quality of life.**

Mr. Supervisor, we have submitted questions to you and to our Town Planner and to our Planning Board and to date we have gotten no answers. With the fact that the public can not speak at planning board meetings and can only speak their opinions regarding the agenda items on the night that the project is on the agenda, it certainly would be nice if you the planner and or the board would answer our questions in a timely fashion so that we could make an educated decision on our issues. We the public deserve the right to have our questions and concerns responded to.

Mr. Supervisor,

I have hand delivered this letter to our Town Planner, Mr. Sorensen, and to date I have not received any answers, I am appalled as a tax payer who pays this mans salary that Mr. Sorensen can not take the time to answer the concerns of an adjoining property owner to an atrocious project in the Town of Ulster. So maybe before you approve this site plan you will listen and act accordingly to this letter. Here is the letter once again:

Dear Mr. Sorensen:

Legitimate planning requires the application of sound planning principles and must be done so in the context of our recently adopted Comprehensive Plan. It establishes a bench mark for the community of what it is and establishes a vision of what it wants to be. As you are very well aware, the adopted Town of Ulster Comprehensive Plan represents a collaboration of inputs from many entities including public participation through public informational meetings, visioning sessions, public hearings and resident survey. The output of this comprehensive initiative defines the Town's overall direction and objectives in regards to the responsible and balanced growth of our community. It clearly defines the Community's desire to protect and preserve the character of residential neighborhoods. There was pronounced recognition that existing regulations did not do enough to ensure that there was an adequate buffer between residential and commercial development. There was also an expressed desire to have a greater control over the character or design of new development so that new commercial and residential development would enhance the character of the Town without compromising the integrity, quality of life issues and real property values of residential neighborhoods.

The creation of the Plan and its adoption by the Town Board were significant and important measures. However, the implementation of the various elements of the plan has yet to be initiated and the planning process is proceeding without regard to the newly established objectives, guidelines and disciplines. The Town's Planning Board, zoning board of appeals and the Town Board have not yet been collectively versed regarding the content, intent and guidelines of the Comprehensive Plan and are acting irresponsibly and in a vacuum in regards to the application of the Plan to new planning activities. Stagnating the Plan's implementation and practical application are both irresponsible and unacceptable and as a consequence, the cost of long lasting incompatible development will be borne by the constituency.

As a planning professional who had a leadership role in guiding and creating the final adopted Town Comprehensive Plan, you must have a practical understanding of the interrelationship and the detrimental consequences of incompatible development in residential areas in regards to quality of life and community character issues and the gradual decay of once thriving residential communities? As you are aware, there are countless local and regional examples where irresponsible and misguided planning has destroyed vibrant residential communities. In all of these cases, the outcome could have inevitably been different had there been forward thinking and sound and responsible

planning principles had been applied during the review process. Based on the recent referral of the Oxygen Day Spa Project by the Planning Board to the Town Board for approval your actions as the Town's professional Planning consultant during the review process have clearly and irremediably demonstrated your values, planning principles, visions and objectives has reflected and enumerated in the comprehensive plan are totally inconsistent incongruous as practically applied to the Oxygen Day Spa Project. This project was a test of principle application for the key components of the Comprehensive Master Plan and it is obvious that the Planning Board has failed in its mission in responsible planning.

Additionally, at one of the recent public hearings pertaining to the above matter, when concerns were raised about the negative impact this project would have on the character of the neighborhood, Mr. Supervisor Woerner publicly stated that he would personally review this issue with you. I would very much appreciate hearing from you what the outcome of this discussion was as soon as possible (to date I have not heard a peep).

Mr. Woerner, as a resident and going on the premise that our Town Board are our elected Representatives to protect the well being of the residents of the Town of Ulster and to carry the missions of the adopted Master Plan I strongly urge you not to adopt this site plan tonight and further more not until every concern that has been raised tonight be addressed and answered to the residents satisfaction.

Mr. Supervisor, this is also a question for our Planner. It has come to our attention that Mr. Ulloa has done a traffic study on his own and stated that the estimated amount of cars was approximately fifty to sixty (50-60) cars. Tim Miller Associates whom was hired to do a traffic study (which by the way they are not traffic people) has based traffic on three cars. According to Mr. Porter, a traffic consultant out of New Paltz, NY, Whom has written a document which states that a traffic study has to follow specific guidelines set out by the National Traffic Institute. This has not taken place on this project. I would also like to add this study was done during off-peak conditions. It does not take into account the little league season, the soccer season or school functions. It also does not take a hard look to the cumulative effect of the development in the VanKuren Highway area such as the Senior Citizen housing and the newly proposed Senior Citizen project.